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Attorneys for Defendant PLATINUM EQUITY LLC

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CARL PHILLIPS, individually, and on behalf of all
others similarly situated,

Plaintiff,

vs.

SEARS, ROEBUCK AND COMPANY; DEERE &
COMPANY; TECUMSEH PRODUCTS
COMPANY; PLATINUM EQUITY, LLC;
BRIGGS & STRATTON CORPORATION;
KAWASAKI MOTORS CORP. USA; MTD
PRODUCTS INC; THE TORO COMPANY;
AMERICAN HONDA MOTOR COMPANY,
INC.; ELECTROLUX HOME PRODUCTS, INC.;
HUSQVARNA OUTDOOR PRODUCTS, INC.;
and THE KOHLER COMPANY,

Defendants.

CASE No.: 4:08-cv-02671-SBA

**MOTION BY DEFENDANT
PLATINUM EQUITY LLC TO
ENLARGE TIME PURSUANT TO
CIV L. R. 6-3**

Defendant, Platinum Equity, LLC ("Platinum Equity"), by and through its undersigned
counsel, hereby moves this Court pursuant to Civ. L. R. 6-3 to enlarge by 30 days the time within
which to respond to the complaint filed in the above-captioned action (the "Class Action
Complaint").

The Class Action Complaint was filed on May 28, 2008, and Platinum Equity was served

1 on or about June 13, 2008. As a result, its response to the Class Action Complaint is due on July
2 3, 2008. Obtaining a 30-day enlargement of time is critical because the undersigned counsel was
3 retained only yesterday, and cannot prepare a timely, adequate response absent an enlargement.

4 The Class Action Complaint asserts claims for the purported violation of the California
5 Consumers Legal Remedies Act (Cal. Civ. Code § 1750 *et seq.*), California Business &
6 Professions Code § 17500, and California Business and Professions Code § 17200 *et seq.*, and for
7 unjust enrichment and civil conspiracy. Platinum Equity would be harmed substantially absent an
8 enlargement of time, since counsel would be denied adequate time to investigate and understand
9 the claims asserted and to prepare an adequate response, including determining whether grounds
10 exist for filing a Rule 12(b)(6) motion to dismiss.
11

12 As set forth in greater detail in the accompanying Declaration of Mark S. Baldwin, before
13 making the instant application, in-house counsel at Platinum Equity attempted without success to
14 reach counsel for Plaintiffs in order to obtain a stipulation pursuant to Civ. L. R. 6-1(a). This is
15 Platinum Equity's first request for an enlargement of time, which enlargement would not affect
16 any known scheduling order in this matter.
17

18 Good cause being shown in the foregoing, Platinum Equity respectfully requests a 30-day
19 enlargement of time pursuant Civ. L. R. 6-3, along with such and other relief as this Court deems
20 appropriate.
21

22 Respectfully submitted,
23

24 **DEFENDANT,**
25 **PLATINUM EQUITY , LLC**

26 By: /s/ Kathleen N. Millican

27 Kathleen N. Millican, Esq.
28 Skikos, Crawford, Skikos, Joseph & Millican LLP
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-and-

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PROPOSED ORDER

Good cause being show in the foregoing, defendant Platinum Equity, LLC's Motion to Enlarge Time Pursuant to Civ. L. R. 6-3 is hereby granted/denied. Defendant, Platinum Equity, LLC, is hereby ordered to respond to the Class Action Complaint on or before

DATED: _____

Judge of the District Court